



County of El Dorado

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Minutes - Final Board of Supervisors

Rusty Dupray, Chairman, District I
Ron Briggs, First Vice Chairman, District IV
Norma Santiago, Second Vice Chairman, District V
Helen K. Baumann, District II
James R. Sweeney, District III

Cindy Keck, Clerk of the Board of Supervisors
Laura S. Gill, Chief Administrative Officer *Louis B. Green,*
County Counsel

Tuesday, February 5, 2008

8:00 AM

Board of Supervisors Meeting Room

Vision Statement

"El Dorado County will remain the leader in supporting our safe, healthy, and vibrant communities, wisely managing our natural resources, and preserving our local heritage."

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BOARD MEETING ROOM EQUIPPED WITH AN AUDIO INDUCTION LOOP ASSISTIVE LISTENING SYSTEM.

Public Testimony will be received on each agenda item as it is called. Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to 3 minutes, and individuals speaking for a group are allocated 5 minutes. (Adopted 8/10/93) Matters not on the agenda may be addressed by the general public during the Open Forum. Public comments during Open Forum are limited to three minutes per person. The Board reserves the right to waive said rules by a majority vote.

For Purposes of the Brown Act § 54954.2 (a), the numbered items on this Agenda give a brief description of each item of business to be transacted or discussed. Recommendations of the staff, as shown, do not prevent the Board from taking other action.

The Board of Supervisors meets simultaneously as the Board of Supervisors and the Board of Directors of the Air Quality Management District, In-Home Supportive Services, Public Housing Authority, Redevelopment Agency and other Special Districts.

The Board of Supervisors is concerned that large amounts of written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. To ensure timely delivery, written information from the public must be received by the Board Clerk by Monday prior to the meeting. The Board Clerk cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

8:00 A.M. - CALL TO ORDER AND RECESS TO CLOSED SESSIONS

Present: 3 - Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

9:00 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

At this time the Board will make any necessary additions, deletions, or corrections to the Agenda; determine matters to be added to or removed from the Consent Calendar; and with one motion adopt the Agenda and approve the Consent Calendar.

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 4, 10 and 20 pulled from the Consent Calendar for separate action; Item 22 continued off calendar; and Item 27 continued to February 26, 2008.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

BUDGET UPDATE

OPEN FORUM

CONSENT CALENDAR

1. [08-0176](#) Approval of Board of Supervisors Conformed Agendas (Minutes) of the Special Meeting of Monday, January 28, 2008 and Regular Meeting of Tuesday, January 29, 2008.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

2. [08-0062](#) Public Health Department recommending Chairman be authorized to sign retroactive Mini-Grant Agreement 010-500-0708-865 with First 5 El Dorado Children and Families Commission in the amount of \$7,500 to provide children with dental services from birth to five years of age; and Budget Transfer increasing Estimated Revenue by \$7,500 for same. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: First 5 El Dorado Children and Families Commission Mini-Grant.

This matter was Approved on the consent calendar

3. [08-0098](#) Public Health Department recommending Budget Transfer adjusting said Department's special revenue fund budgets transferring fund balances from Fund Type 20 to new Fund Type 11 budgets necessary to complete the FY 2007-08 fund restructuring effort. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: Public Health Special Revenue Funds.

This matter was Approved on the Consent Calendar.

4. [08-0059](#) Human Services Department, Community Services Division, recommending the Director of said Department be authorized to execute an Affordable Housing Developer's Agreement with La Crescenta Association, LLC to meet the requirements set forth by the Planning Commission for the Sierra Oaks Condominiums Project as well as the subsequent individual Affordable Housing Buyer's Occupancy and Resale Restriction Agreements for this Project.

RECOMMENDED ACTION: Approve.

A motion was made by Supervisor Sweeney, seconded by Supervisor Baumann to approve this matter with the request that Doug Nowka, Director of Human Services, Paula Frantz, Deputy County Counsel, and Planning Division staff frame the policy issue pertaining to the conversion of this type of housing as discussed this date and return to the Board with their findings at the Affordable Housing Workshop.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

5. [08-0114](#) Human Services Department, Social Services Division, recommending the Board confirm its support of child abuse prevention activities in El Dorado County, approve summary of the FY 2007-08 operating budget and planned child abuse prevention activities and events, and authorize said Department to expend FY 2007-08 budgeted funds from the El Dorado County Children's Special Revenue Fund on behalf of the El Dorado County Child Abuse Prevention Council for the purpose of sponsoring and conducting child abuse and neglect awareness, prevention and intervention activities and events.
RECOMMENDED ACTION: Approve.

FUNDING: El Dorado County Children's Special Revenue Fund.
This matter was Approved on the consent calendar
6. [08-0036](#) General Services Acting Director requesting authorization to execute Contract Change Order No. 1 under the current authority of the Public Code in the amount of \$23,512 with Golden Bay Fence plus Iron Works, Inc. for the construction of security fencing at the Georgetown Airport.
RECOMMENDED ACTION: Approve.

FUNDING: General Fund (General Services budget).
This matter was Approved on the consent calendar
7. [08-0104](#) General Services Department recommending Chairman be authorized to sign Notice of Completion for Obstruction Removal Grading, Taxilane Paving, Service Road and Emergency Access Road Construction, AIP No. 3-06-0188-08.
RECOMMENDED ACTION: Approve.

FUNDING: None.
This matter was Approved on the consent calendar
8. [08-0118](#) Development Services Department, Planning Services Division, recommending the Board certify that the Notice of Non-Renewal for Agricultural Preserve No. 11/Betty and Richard Creason (APNs 093-032-37, 38, 62, 63, & 72) has been submitted and is consistent with Board of Supervisors' Policy C-12.
RECOMMENDED ACTION: Approve.
This matter was Approved on the consent calendar

9. [08-0123](#) Development Services Department, Planning Services Division, recommending the Board certify that the Notice of Non-Renewal for Agricultural Preserve No. 157/Anthony Angulo (APN 087-021-56) has been submitted and is consistent with Board of Supervisors' Policy C-12.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

10. [08-0082](#) Development Services Department recommending Resolution creating guidelines for selection of committee members for the Building Industry Advisory Committee (BIAC) and setting forth their duties and responsibilities, and subsequently appointing agency members and alternates with "at large" appointments to occur at a later date.

RECOMMENDED ACTION: Adopt Resolution **25-2008**.

A motion was made by Supervisor Santiago, seconded by Supervisor Baumann to approve staff's recommendation with the following amendment to Section 3 of the Resolution: "Responsibilities. The Building Industry Advisory Committee shall make recommendations to the Board of Supervisors and the Development Services Department on policies and procedures related to the building industry permit processing and related land issues."

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

11. [08-0075](#) Environmental Management Department recommending Resolution authorizing the Director of said Department, or his/her designee, to execute and submit an application and all necessary documentation to the State of California Environmental Protection Agency, California Integrated Waste Management Board for the Local Government Waste Tire Cleanup and Amnesty Event Grant Program Fiscal Year 2007/2008 to help divert waste tires recycling and proper tire maintenance.

RECOMMENDED ACTION: Adopt Resolution **22-2008**.

This matter was Approved on the consent calendar

12. [07-2007](#) Transportation Department Director requesting authorization to sign an Agreement to Perform Tariff Schedule Related Work with Pacific Gas and Electric Company (PG&E) in the amount of \$267,291 for underground utility relocation for the Latrobe Road Widening, Phase 2 Project 72403; and recommending authorization for payment to PG&E for said Project.

RECOMMENDED ACTION: Approve.

FUNDING: The provisions of the Funding, Credit, and Reimbursement Agreement between West Valley, LLC, and the County of El Dorado require that the developer of West Valley advance fund the construction of the Latrobe Road Project through the prepayment of El Dorado Hills Traffic Impact Mitigation (TIM) fees. A bond was issued and a portion of the proceeds were used to prepay \$23 million in El Dorado Hills TIM fees. These prepaid fees are held in a segregated fund and will be utilized to fund the Latrobe Road and White Rock Road improvements, which include this utility relocation.

This matter was Approved on the consent calendar

13. [08-0108](#) Transportation Department recommending Chairman be authorized to sign the Construction Responsibility and Reimbursement Agreement with El Dorado Irrigation District for the Latrobe Road Realignment, Widening, and Bridge Project, Suncast Lane to Golden Foothill Parkway, Project 72403.

RECOMMENDED ACTION: Approve.

FUNDING: El Dorado Irrigation District (EID) will fund its share of the costs. For the County share, the provisions of the Funding, Credit, and Reimbursement Agreement between West Valley, LLC, and the County of El Dorado require that the developer of West Valley advance fund the construction of the Latrobe Road project through the prepayment of El Dorado Hills Traffic Impact Mitigation (TIM) fees. A bond was issued and a portion of the proceeds were used to prepay \$23 million in El Dorado Hills TIM fees. These prepaid fees are held in a segregated fund and will be utilized to fund the Latrobe Road and White Rock Road improvements, which include these EID facilities costs.

This matter was Approved on the consent calendar

14. [07-1993](#) Transportation Department recommending the Board approve the Plans and Contract Documents for the Latrobe Road Realignment, Widening, and Bridge Project, Suncastr Lane to Golden Foothill Parkway, Project 72403; Chairman be authorized to sign the plans upon approval by County Counsel; and requesting authorization to advertise for construction bids for same.

RECOMMENDED ACTION: Approve.

FUNDING: The provisions of the Funding, Credit, and Reimbursement Agreement between West Valley, LLC, and the County of El Dorado require that the developer of West Valley advance fund the construction of the Latrobe Road Project through the prepayment of El Dorado Hills Traffic Impact Mitigation (TIM) fees. A bond was issued and a portion of the proceeds were used to prepay \$23 million in El Dorado Hills TIM fees. These prepaid fees are held in a segregated fund and will be utilized to fund the Latrobe Road and White Rock Road improvements, which include this project.

This matter was Approved on the consent calendar

15. [08-0034](#) Transportation Department recommending Chairman be authorized to sign Acquisition Agreement for Public Purposes and Certificates of Acceptance for the related deed and easement from Cecil L. Sandefer and Pamela M. Sandefer for APN 327-190-35; and authorize the Director of said Department, or his designee, to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including the payment of title and escrow fees for the U.S. Highway 50/Missouri Flat Road Improvement Project Phase 1B.

RECOMMENDED ACTION: Approve.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program (TIM).

This matter was Approved on the consent calendar

16. [08-0058](#) Transportation Department recommending Resolution summarily vacating a portion of the public utility easements located in the front areas adjacent to Copper Lantern Court and Cradle Mountain Court for Lots 64, 75 and 76 of APNs 119-370-02, -13 and -14, as requested by Pulte Home Corporation, a Michigan corporation, to accommodate construction of improvements on the subject lots.

RECOMMENDED ACTION: Adopt Resolution **24-2008**.

This matter was Approved on the consent calendar

17. [08-0144](#) Transportation Department recommending Chairman be authorized to sign an Amendment to Task Order 07-1435-01 with Quincy Engineering, Inc. in an approximate amount of \$220,000 to perform additional services identified for the completion of plans, specifications, and estimate (PS&E) and construction support for the U.S. 50 High Occupancy Vehicle (HOV) Lanes - El Dorado Hills to Bass Lake Grade (53110) and U.S. 50 Mainline Widening at El Dorado Hills (53120) Projects, upon review and approval by County Counsel.
RECOMMENDED ACTION: Approve.
- FUNDING:** 2004 General Plan Traffic Impact Mitigation Fee Program.
- This matter was Approved on the consent calendar
18. [08-0066](#) Human Resources Department recommending revision of the County's Notice of Privacy Practices; said revision to reflect the Board's November 6, 2007 approval to participate in the ACCEL (Access El Dorado) Care Pathways Program. (Cont'd 1/29/08, Item 14)
RECOMMENDED ACTION: Approve.
- This matter was Approved on the consent calendar
19. [08-0102](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 08-288-056 for the purchase of Plant Mix Asphalt to the sole qualified bidder, Tahoe Asphalt, Inc.; authorize the Purchasing Agent to issue a blanket purchase order in the amount of \$120,000 for a twelve (12) month period; and authorize an increase to blanket purchase order on an "as needed" basis during the awarded period if funding is available within the requesting department's budget.
RECOMMENDED ACTION: Approve.
- FUNDING:** Road Fund Discretionary.
- This matter was Approved on the consent calendar
20. [08-0150](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 08-207-081 for the purchase of Hewlett Packard printer toner cartridges and related items to be used County-wide; authorize the Purchasing Agent to issue a blanket purchase order to Supplies Now of Dayton, Ohio in the amount of \$200,000 for a twelve (12) month period; and authorize an increase to same on an "as-needed" basis during the awarded period if funding is made available within the requesting department's budget.
RECOMMENDED ACTION: Approve.
- FUNDING:** General Fund.
- A motion was made by Supervisor Baumann, seconded by Supervisor Santiago to reject all bids with direction that staff correct the format.

Yes: 3 - Dupray, Baumann and Santiago

Noes: 2 - Sweeney and Briggs

21. [08-0175](#) Supervisor Dupray, on behalf of the County Chamber of Commerce, recommending Chairman be authorized to sign the 2008 California State Fair Exhibit Authorization and Appointment form designating the Chamber of Commerce as the official representative responsible for the County's exhibit and authorizes all award money for, or on account of, the exhibit representing El Dorado County to be paid by the California Exposition and State Fair go to the El Dorado County Chamber of Commerce.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

22. [08-0185](#) Supervisor Dupray recommending reappointment of Jeffrey Meyer to the Mental Health Commission for a term to expire January 2011.
RECOMMENDED ACTION: Approve.

This matter was continued off calendar upon adoption of the Agenda.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

23. [08-0180](#) Supervisor Santiago recommending Denise Burke be reappointed to serve as the representative for District V on the Mental Health Commission for a term to expire January 2011.
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

END CONSENT CALENDAR

DEPARTMENT MATTERS

24. [07-1783](#) Staff providing information regarding the establishment of an Angora permitting center to exclusively process building permits within the Angora Fire burn area through December 31, 2008; and requesting Board direction pertaining to same . (Cont'd 1/29/08, Item 24)

A motion was made by Supervisor Santiago, seconded by Supervisor Baumann to approve the establishment of the Angora Permit Center with the following conditions:

- (1) The permit center is to be housed in the current El Dorado Center as designed or recommended by the General Services Department;
- (2) The permit center is to remain in existence until December 30, 2008, unless it is determined that the center can be closed earlier;
- (3) Proposed positions to only be staffed on an "as needed" basis;
- (4) David Storer, Acting Chief Administrative Officer, is to be engaged in streamlining the process;
- (5) Staff to report back to the Board of Supervisors on a monthly basis with regard to permit center activities and performance standards; and
- (6) The permit center shall close immediately if there is any indication that funds will not be reimbursed by the State.

Yes: 3 - Dupray, Baumann and Santiago

Noes: 2 - Sweeney and Briggs

25. [08-0141](#) Environmental Management Department, Air Quality Management District, recommending Resolution **23-2008** requesting a voluntary reclassification (bump-up) of the Sacramento Federal Nonattainment Area (SFNA) from serious to severe for the federal 8-hour ozone classification.

FUNDING: Not applicable.

A motion was made by Supervisor Dupray, seconded by Supervisor Baumann to adopt Resolution 023-2008.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

26. [08-0048](#) Chief Administrative Officer recommending the Board review and make revisions to the Board of Supervisors Policy C-17-Procurement. (Cont'd 1/15/08, Item 27)

A motion was made by Supervisor Briggs, seconded by Supervisor Santiago to approve this matter, noting in those cases that the Chief Administrative Officer deems the requirements of 7.10 are not necessary for contracts over \$100,000, the contract will not be placed on the Consent Calendar for approval.

Yes: 4 - Dupray, Sweeney, Briggs and Santiago

Noes: 1 - Baumann

27. [07-1954](#) Chief Administrative Office providing a status report on negotiations with Granite Grado Ventures referred by the Board on December 11, 2007. (Cont'd 1/29/08, Item 20)

FUNDING: West Slope Traffic Impact Mitigation Fee program.

This matter was continued to February 26, 2008 upon adoption of the Agenda.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

TIME ALLOCATION - 2:00 P.M.

28. [08-0139](#) Hearing to consider rezone (Z06-0029) of 7.45 acres (APN 115-030-06) from One-family Residential-Airport Safety (R1-AA) to One-family Residential-Airport Safety-Planned Development (R1-AA-PD); development plan (PD06-0020) to allow for flexibility in the development standards of the R1 Zone District ; tentative subdivision map (TM06-1420) to create 36 residential parcels ranging in size from 3,020 to 5,665 square feet, and three open space lots totaling 2.37 acres; five design waivers to allow reduction of the right-of-way (ROW) width from 60 feet to 50 feet for Trout Lake Court, reduction of the sidewalk requirement on Trout Lake Court from six feet to five feet and to limit the sidewalk improvements to one side of the road only, joint access for Parcels 1 and 2, reduction of the length of turn pockets and tapers onto Bass Lake Road, and waiver of the sidewalk requirement for Bass Lake Road in the Cameron Park area; and adoption of Ordinance **4762** for said rezone. Applicant: Carmichael Investment Group (District I)

After hearing public testimony, a motion was made by Supervisor Dupray, seconded by Supervisor Baumann to continue this matter to 2:00 p.m., Tuesday, February 12, 2008, in order for the parties to use this one week continuance to come to an agreement with regard to the proposed condition relating to a Cost Sharing Agreement.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

Noes: 1 - Briggs

CAO REPORTS**ITEMS TO/FROM SUPERVISORS****ADJOURNMENT**

CLOSED SESSION

29. [08-0189](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Significant exposure to litigation. One (1) potential case.
No action reported.
30. [08-0164](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: U.S.A. v. El Dorado County, City of South Lake Tahoe, et al., U.S. District Court Case No. S-01-1520-MCE GGH (ED CA).
No action reported.
31. [08-0183](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Yubacon, Inc. v. El Dorado County Department of Transportation.
One (1) potential case.
No action reported.
32. [08-0184](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Kathryn J. Dixon v. Jeff Neves, et al., El Dorado County Superior Court Case No. PC20070750.
On an unanimous vote, the Board authorized County Counsel to defend this matter.
33. [08-0186](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources
Employee Organization: El Dorado County Law Enforcement Management Association (LEMA).
No action reported.
34. [08-0187](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources
Employee Organization: El Dorado County Management Association (EDCMA).
No action reported.

ADDENDUM

CLOSED SESSION:

- 35. [08-0201](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Matthew Vaughn v. El Dorado County, El Dorado County Superior Court Case No. PC20080057.

On an unanimous vote, the Board authorized County Counsel to defend this matter.

- 36. [08-0202](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Gary Sanchez v. County of El Dorado, et al., U.S. District Court, Eastern District of California. Case No. 2:06-CV-01587-WBS-PAN.

No action reported.

- 37. [08-0235](#) At the recommendation of County Counsel and by a unanimous vote of the Board, the following closed session was added to the Agenda when the Board reconvened at 2:09 p.m.:

Section 54956.9(c), **Anticipated litigation:** Title: Initiation of litigation.

No action reported.

On August 19, 2003, the Board adopted the following protocol: It is a requirement that all speakers, County staff and the public, when approaching the podium to make a visual, Power Point or transparencies presentation to the Board of Supervisors, must provide the Clerk with the appropriate number of hard copies of the presentation for Board members and the audience. Only those speakers that provide this required number of hard copies will be permitted to proceed with a visual presentation.

Persons interested in serving on any Board of Supervisors ADVISORY BOARD, COMMITTEE, OR COMMISSION are encouraged to complete an application form (available in the office of the Clerk of the Board of Supervisors, or on line) and submit same to the board, committee or commission, to the County Department which supports the board, committee or commission, or to the Clerk of the Board of Supervisors.

VIDEO TAPES of regular, Tuesday Board of Supervisors meeting are BROADCAST ON CABLE TV as follows:

West Slope - Comcast - Channel 2, Wednesday at 1:00 P.M.
South Lake Tahoe - Charter Cable 21, Daily - Time varies